

Supplement to All England Law Reports 14 January 2004

THE ALL ENGLAND LAW REPORTS

Tables and Index 2003

Index Editor

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30 JAN 2004

THE ALL ENGLAND LAW REPORTS

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Introduction

The Tables and Index 2003 covers all the cases reported in the volumes of the All England Law Reports for 2003, including the European Cases volume and Commercial Cases volumes. The index is a continuation of the Consolidated Tables and Index 1936–2002. For information concerning the use of this index readers should refer to the introductions to volumes 1 and 2 of the 1936–2002 index.

The tables and index consist of five sections:

- a table of cases reported and judicially considered; this table lists alphabetically all cases reported in the All England Law Reports in 2003, and in addition it lists all cases of any date which have been reported in the All England Law Reports and the All England Law Reports Reprint and which were judicially considered, ie applied, distinguished, overruled and so on, in cases reported during 2003
- a table of practice directions and notes issued in 2003
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- a subject index, including a full system of cross-references, of all cases reported in 2003

The Tables and Index 2003 together with the three volumes of the Consolidated Index 1936–2002 provide a complete index of cases reported in the All England Law Reports from 1936 to the end of 2003.

The index is separate from the 2003 volumes of the All England Law Reports and should therefore *not* be sent in for binding with the loose parts of the reports.

January 2004

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 Considered, Sunport Shipping Ltd v Tryg-Baltica International (UK) Ltd [2003] **1** Comm 586
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 Leave to appeal given 22 July 2002, HL
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 Affirmed on other grounds [1974] **1** 1162, HL
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 Reversed [2002] **2** Comm 24, CA
 Leave to appeal refused 3 February 2003, HL
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 Considered, R (on the application of Geologistics Ltd) v Financial Services Compensation Scheme [2003] **2** Comm 165
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 Distinguished, Massey v Boulden [2003] **2** 87
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 Considered, R (on the application of Sivasubramaniam) v Wandsworth County Court [2003] **2** 160
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 Reversed [2000] **4** 504, HL
 Considered, D v East Berkshire Community Health NHS Trust [2003] **4** 796
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 Considered, East West Corp v DKBS 1912 [2003] **2** 700, [2003] **1** Comm 525
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 Affirmed [1967] **3** 321, CA
 Applied, Corbett v Halifax plc [2003] **4** 180, [2003] **2** *Comm* 384
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 Reversed [2003] **1** 873, [2002] **2** *Comm* 392, CA
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 application of Quintavalle) v Human Fertilisation and Embryology Authority

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 Considered, R v Gill [2003] **4** 681
 R v Billam [1986] **1** 985, CA
 Considered, R v Millberry [2003] **2** 939
 R v Caldwell [1981] **1** 961, HL
 Disapproved, R v G [2003] **3** 206
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 R v Cook. *See* R v Cooksley
 R v Cooksley [2003] **3** 40, CA
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 R v DPP, ex p Kebeline [1999] **4** 801, QBD and HL
 Considered, Sheldrake v DPP [2003] **2** 497
 R v Drew [2003] **4** 557, HL
 R v Egan [1992] **4** 470, CA
 Dicta disapproved, R v Dietschmann [2003] **1** 897
 R v Essex Justices, ex p Final [1962] **3** 924, QBD
 Distinguished, Steward v DPP [2003] **4** 1105
 R v Field [2003] **3** 769, CA
 R v G [2003] **3** 206, CA
 Reversed [2003] **4** 765, HL
 R v Gill [2003] **4** 681, CA
 R v Gittens [1984] **3** 252, CA
 Approved, R v Dietschmann [2003] **1** 897
 R v Gould [1968] **1** 849, CA
 Applied, R v Simpson [2003] **3** 531
 R v Governor of Brockhill Prison, ex p Evans (No 2) [1998] **4** 993, CA
 Affirmed [2000] **4** 15, HL
 Considered, Quinland v Governor of Swaleside Prison [2003] **1** 1173
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 Considered, R (on the application of Sivasubramaniam) v Wandsworth County Court [2003] **2** 160
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 Considered, Ahmed v Kennedy [2003] **2** 440
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 Applied, Carpenter v Secretary of State for the Home Dept (Case C-60/00) [2003] **EC** 577
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 Affirmed [1997] **4** 225, HL
 Considered, Glen v Korean Airlines Co Ltd [2003] **3** 621
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 R v Lambert [2001] **1** 1014, CA
 Affirmed on different grounds [2001] **3** 577, HL
 Considered, Sheldrake v DPP [2003] **2** 497
 Followed, Wainwright v Home Office [2003] **3** 943
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 Approved, R v Drew [2003] **4** 557
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- R v Registrar General, ex p Smith [1990] **2** 170, QBD
 Affirmed [1991] **2** 88, CA
 Distinguished, R (on the application of CPS) v Registrar General of Births, Deaths and Marriages [2003] **1** 540
- R v Secretary of State for the Home Dept, ex p Santillo [1981] **2** 897, QBD, CA and ECJ
 Considered, Antonio Muñoz y Cia SA v Frumar Ltd (Case C-253/00) [2003] **EC** 56
- R v Sekhon [2003] **3** 508, CA
 Approved, R v Simpson [2003] **3** 531
- R v Simpson [2003] **3** 531, CA
 Leave to appeal refused 28 October 2003, HL
- R v Stride. See R v Cooksley
- R v T [2003] **4** 877, CA
 Disapproved, R v R [2003] **4** 882
- R v Threapleton [2003] **3** 458, CA
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- R v Young. See R v Field
- R (a child), Re [2003] **2** 131, CA
 Applied, Evans v Amicus Healthcare Ltd [2003] **4** 903
- R (on the application of Amin) v Secretary of State for the Home Dept [2002] **4** 336, CA
 Reversed [2003] **4** 1264, HL
 Applied, Sacker v West Yorkshire Coroner [2003] **2** 278
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- R (on the application of Anufrieva) v Secretary of State for the Home Dept [2003] **3** 827, HL
- R (on the application of British American Tobacco (Investments) Ltd (supported by Japan Tobacco Inc intervening)) v Secretary of State for Health (Case C-491/01) [2003] **EC** 604, ECJ
- R (on the application of B) v Ashworth Hospital Authority [2003] **4** 319, CA
- R (on the application of B) v Mental Health Review Tribunal. See R (on the application of KB) v Mental Health Review Tribunal
- R (on the application of B) v Merton London BC [2003] **4** 280, QBD
- R (on the application of Carson) v Secretary of State for Work and Pensions [2002] **3** 994, QBD
 Affirmed [2003] **3** 577, CA
 Leave to appeal given 5 November 2003, HL
- R (on the application of CPS) v Registrar General of Births, Deaths and Marriages [2003] **1** 540, CA
- R (on the application of C) v Lewisham London BC [2003] **3** 1277, CA
- R (on the application of Davis) v Financial Services Authority [2003] **1** 859, QBD
 Affirmed [2003] **4** 1196, CA
- R (on the application of Edison First Power Ltd) v Central Valuation Officer [2003] **4** 209, HL
- R (on the application of Farrahan) v Secretary of State for the Home Dept [2002] **4** 289, CA
 Considered, Holder v Law Society [2003] **3** 62
- R (on the application of Geologistics Ltd) v Financial Services Compensation Scheme [2003] **2 Comm** 165, QBD
- R (on the application of Giles) v Parole Board [2002] **3** 1123, CA
 Affirmed [2003] **4** 429, HL
- R (on the application of Hooper) v Secretary of State for Work and Pensions [2003] **3** 673, CA
- R (on the application of Hoverspeed Ltd) v Customs and Excise Comrs [2002] **4** 912, QBD
 Reversed in part [2003] **2** 553, CA
- R (on the application of KB) v Mental Health Review Tribunal [2003] **2** 209, QBD
- R (on the application of Khan) v Secretary of State for Health [2003] **4** 1239, CA
- R (on the application of L) v Governors of J School [2003] **1** 1012, HL
- R (on the application of L) v Secretary of State for the Home Dept [2003] **1** 1062, CA
- R (on the application of Marper) v Chief Constable of South Yorkshire. See R (on the application of S) v Chief Constable of South Yorkshire
- R (on the application of McCann) v Crown Court at Manchester [2001] **4** 264, CA
 Affirmed [2002] **4** 593, HL
 Applied, R (on the application of Mudie) v Kent Magistrates' Court [2003] **2** 631
 Applied, R v Field [2003] **3** 769
- R (on the application of McFetrich) v Secretary of State for the Home Dept [2003] **4** 1093, DC
- R (on the application of Morley) v Nottinghamshire Health Care NHS Trust [2003] **1** 784, CA
 Leave to appeal refused 17 February 2003, HL
- R (on the application of Morris) v North Somerset Council. See Gregory v Turner
- R (on the application of Mudie) v Kent Magistrates' Court [2003] **2** 631, CA
- R (on the application of Mullen) v Secretary of State for the Home Dept [2002] **3** 293, QBD
 Reversed [2003] **1** 613, CA
- R (on the application of M) v Secretary of State for Health [2003] **3** 672n, QBD
- R (on the application of Norwich and Peterborough Building Society) v Financial Ombudsman Service Ltd [2003] **1 Comm** 65, QBD
- R (on the application of O'Byrne) v Secretary of State for the Environment, Transport and the Regions [2003] **1** 15, HL
- R (on the application of Opoku) v Principal of Southwark College [2003] **1** 272, QBD
- R (on the application of Pretty) v DPP [2002] **1** 1, HL
 Considered, R (on the application of Rusbridger) v A-G [2003] **3** 784
- R (on the application of ProLife Alliance) v BBC [2002] **2** 756, CA
 Reversed [2003] **2** 977, HL
- R (on the application of Quintavalle) v Human Fertilisation and Embryology Authority [2003] **2** 105, QBD
 Reversed [2003] **3** 257, CA
- R (on the application of Quintavalle) v Secretary of State for Health [2001] **4** 1013, QBD
 Reversed [2002] **2** 625, CA
 Affirmed [2003] **2** 113, HL
 Considered, R (on the application of Quintavalle) v Human Fertilisation and Embryology Authority [2003] **2** 105
- R (on the application of Q) v Secretary of State for the Home Dept [2003] **2** 905, CA
- R (on the application of), R v Durham Constabulary. See R (on the application of U) v Metropolitan Police Comr
- R (on the application of Rusbridger) v A-G [2003] **3** 784, HL
- R (on the application of R) v Durham Constabulary. See R (on the application of U) v Metropolitan Police Comr
- R (on the application of Sivakumar) v Secretary of State for the Home Dept [2003] **2** 1097, HL
- R (on the application of Sivasubramaniam) v Kingston upon Thames County Court. See R (on the application of Sivasubramaniam) v Wandsworth County Court

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 Considered, Gregory v Turner [2003] **2** 1114

R (on the application of S) v Chief Constable of South Yorkshire [2003] **1** 148, CA
 Leave to appeal given 4 February 2003, HL

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R (on the application of Williamson) v Secretary of State for Education and Employment [2003] **1** 385, CA
 Leave to appeal given 5 November 2003, HL

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 Reversed [1980] **2** 634, HL
 Considered, R (on the application of Sivasubramaniam) v Wandsworth County Court [2003] **2** 160

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 Affirmed [2003] **1** Comm 394, CA

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 Leave to appeal given 17 July 2002, HL
 Reversed [2003] **4** 987, HL
 Applied, AD v East Kent Community NHS Trust [2003] **3** 1167

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Renton (GH) & Co Ltd v Palmyra Trading Corp of Panama [1955] **3** 251, QBD
 Reversed [1956] **1** 209, CA
 Affirmed [1956] **3** 957, HL
 Followed, Jindal Iron and Steel Co Ltd v Islamic Solidarity Shipping Co Jordan Inc [2003] **1** Comm 747

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 Considered, Morin v Bonhams & Brooks Ltd [2003] **2** Comm 36

Rhys-Harper, Relaxion Group plc v. See Relaxion Group plc v Rhys-Harper

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Romina G (owners), Borvigilant (owners) v. See Borvigilant (owners) v Romina G (owners)

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 Affirmed [2003] **1** 731, HL

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 Reversed [1988] **3** 737, HL
 Applied, Savings and Investment Bank Ltd v Fincken [2003] **3** 1091

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 Considered, D v East Berkshire Community Health NHS Trust [2003] **4** 796

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S, Wilkinson v. See Wilkinson v S

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 Considered, SAM Business Systems Ltd v Hedley & Co [2003] **1** Comm 465

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Salvage Association, Re [2003] **3** 246, Ch D

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 Applied, Price v Price (t/a Poppyland Headware) [2003] **3** 911
 Distinguished, Robert v Momentum Services Ltd [2003] **2** 74

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 Schmidt v Rosewood Trust Ltd [2003] **3** 76, PC
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 Affirmed [1960] **2** 737, CA
 Affirmed [1962] **1** 1, HL
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 Leave to appeal refused 24 July 2001, HL
 Distinguished, Actionstrength Ltd (t/a Vital Resources) v International Glass Engineering IN.GL.EN SpA [2003] **2** 615, [2003] **2 Comm** 331
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 Leave to appeal given 14 October 2002, HL
 Reversed [2003] **3** 975, HL
 Shamia v Joory [1958] **1** 111, QBD
 Considered, Myers v Design Inc (International) Ltd [2003] **1** 1168
 Shamil Bank of Bahrain v Beximco Pharmaceuticals Ltd [2003] **2 Comm** 849, QBD
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 Sharratt v London Central Bus Co Ltd (The Accident Group Test Cases) [2003] **1** 353, Sup Ct
 Affirmed [2003] **4** 590, CA
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 Leave to appeal given 21 May 2003, HL
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 Applied, Deep Vein Thrombosis and Air Travel Group Litigation, Re [2003] **1** 935, [2003] **1 Comm** 418
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Racial discrimination—

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Discrimination against a woman—

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Directives—

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Equality of treatment of men and women—

Equal pay for equal work—

Pension—Occupational pension scheme entrusted to independent pension fund—Entitlement of surviving spouse to widower's pension—Benefits being paid to widows in all circumstances whereas benefits being paid to widowers in limited circumstances—Employer liable to make good shortfall where pension fund rules contravening prohibition on discrimination—Whether pension fund required to ensure equal treatment between men and women—EC Treaty, art 119 (now art 141 EC). **Pensionskasse für die Angestellten der Barmer Ersatzkasse VVaG v Menauer (Case C-379/99)** [2003] EC 1050, ECJ.

Working conditions—

Pregnancy—Pregnant worker terminating parental leave early to return to work—Worker failing to inform employer that she was pregnant—Worker applying for maternity leave—Employer rescinding its consent for worker to return to work—Whether worker required to disclose pregnancy on application to return to work before the end of parental leave—Whether employer discriminating on grounds of sex by rescinding consent to shortening of parental leave—Council Directive (EEC) 76/207, arts 2(1), (3), 5(1). **Busch v Klinikum Neustadt GmbH & Co Betriebs-KG (Case C-320/01)** [2003] EC 985, ECJ.

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EUROPEAN COMMUNITY (cont)—

Freedom of movement—

Capital—

National measures granting prerogatives for state to intervene in share structure and management of privatised undertakings—Whether measures precluded by principle of freedom of movement of capital—Whether measures justified by public policy considerations—Article 56 EC (formerly EC Treaty, art 73b). **European Commission v Spain (supported by United Kingdom intervening) (Case C-463/00)** [2003] EC 878, ECJ.

National measures granting prerogatives for state to intervene in share structure and management of privatised undertakings—Whether measures precluded by principle of freedom of movement of capital—Whether measures justified by public policy considerations—EC Treaty, arts 73b and 73d (now arts 56 EC, 58 EC). **European Commission v Portugal (Case C-367/98)** [2003] EC 126, ECJ.

Goods—

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Dependant—Rights of dependants—Spouse—Right of spouse to obtain leave to remain indefinitely in United Kingdom—Spouse being third country national and having previously infringed domestic immigration rules—Whether fact that spouse indirectly assisting and facilitating national of member state in exercise of right freely to provide services by performing childcare and homemaking providing right of spouse of residence in United Kingdom—Whether deportation of spouse in breach of freedom to provide services—Article 49 EC (formerly art 59 of the EC Treaty)—Council Directive (EEC) 73/148—European Convention for the Protection of Human Rights and Fundamental Freedoms 1950, art 8. **Carpenter v Secretary of State for the Home Dept (Case C-60/00)** [2003] EC 577, ECJ.

Maritime transport—Passenger services between Greece and Turkey—National legislation providing for harbour dues to be paid by passengers—Dues higher for passengers travelling outside Greece—Whether legislation compatible with principle of freedom to provide services—Council Regulation (EEC) 4055/86, art 1. **Geha Naftiliaki EPE v NPDD Limeniko Tamio Dodekanisou (Case C-435/00)** [2003] 1 Comm 45, ECJ.

Medical care—National rules making reimbursement of medical expenses incurred in another member state conditional on prior authorisation—Authorisation granted on condition that treatment normal in professional circles concerned and not available without undue delay within member state of residence—Whether prior authorisation compatible with Community provisions on free movement—EC Treaty, arts 59, 60 (now arts 49, 50 EC). **Geraets-Smits v Stichting Ziekenfonds VGZ (Case C-157/99)** [2003] EC 481, ECJ.

Occupational pension insurance—Policy taken out with an insurance company in another member state—Differing tax treatment where premiums paid to insurance company in another member state—Whether contrary to single market—Whether difficulty in obtaining information from foreign insurance companies a justification—Whether desire to prevent tax disputes between member states a justification—Whether desire to ensure competitive equality between different pension systems a justification—Article 49 EC (formerly EC Treaty, art 59). **Försäkringsaktiebolaget Skandia (publ) v Riksskatteverket (Case C-422/01)** [2003] EC 831, ECJ.

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Consumer contracts—Consumer protection organisation seeking injunction in Austrian court against use of allegedly unfair contract terms by company in Germany in contracts with consumers in Austria—Whether action relating to tort, delict or quasi-delict—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, art 5. **Verein für Konsumenteninformation v Henkel (Case C-167/00)** [2003] EC 311, [2003] 1 Comm 606, ECJ.

Proceedings concerning recovery of benefits paid as social security—Spouses agreeing no maintenance payable between parties on divorce—Party receiving social assistance allowance—Competent authority seeking recovery of sums paid from former spouse—Whether proceedings concerning 'civil matter'—Whether proceedings concerning 'social security'—Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968, art 1. **Gemeente Steenbergen v Baten (Case C-271/00)** [2003] EC 289, ECJ.

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Pension—

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Appeal from Court of First Instance—Court of First Instance dismissing application without ruling on objection of inadmissibility—Whether appeal directed against a decision of the Court of First Instance which was open to appeal—EC Statute of the Court of Justice, art 49. **EU Council v Boehringer Ingelheim Vetmedica GmbH (European Commission, intervening) (Case C-32/00 P)** [2003] EC 97, ECJ.

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Sanction of court—Whether applicant entitled to assign benefit of reinsurance contracts without consent of reinsurers—Financial Services and Markets Act 2000, s 112(2)(a). **WASA International (UK) Insurance Co Ltd v WASA International Insurance Co Ltd (a Swedish company)** [2003] 1 Comm 696, Ch D.

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Tissue typing—Whether statutory authority having power to permit tissue typing in conjunction with pre-implantation genetic diagnosis—Human Fertilisation and Embryology Act 1990, ss 2(1), 3(1)(b), Sch 2, para 1(1). **R (on the application of Quintavalle) v Human Fertilisation and Embryology Authority** [2003] 3 257, CA.

Tissue typing—Whether statutory authority having power to permit tissue typing in conjunction with pre-implantation genetic diagnosis—Human Fertilisation and Embryology Act 1990, ss 2(1), 3(1)(b), Sch 2, para 1(1). **R (on the application of Quintavalle) v Human Fertilisation and Embryology Authority** [2003] 2 105, QBD.

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Individual voluntary arrangement (IVA)—Mortgagee making claim in IVA in respect of anticipated shortfall on mortgage debt—Mortgagee accepting payment of dividend in respect of claim—Whether mortgagee to be treated as having abandoned its security in respect of that part of mortgage debt which formed subject matter of its claim in IVA. **Whitehead v Household Mortgage Corp plc** [2003] 1 319, [2003] 1 Comm 263, CA.

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Deceit—Bank paying seller under letter of credit—Payment made against presentation of false bill of lading—Bank presenting documents to issuing bank knowing them to be false—Issuing bank refusing payment by reference to other discrepancies—Whether contributory negligence defence to action for deceit—Law Reform (Contributory Negligence) Act 1945, ss 1(1), 4. **Standard Chartered Bank v Pakistan National Shipping Corp (No 2)** [2003] 1 173, [2002] 2 Comm 931, HL.
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Hague Rules—Straight bill of lading—Rules applying to contracts 'covered by a bill of lading or any similar document of title'—Status of straight bill of lading—Carriage of Goods By Sea Act 1971, s 1(4)—Hague Rules, art I(b). **MacWilliam (JI) Co Inc v Mediterranean Shipping Co SA** [2003] 3 369, [2003] 2 Comm 219, CA.

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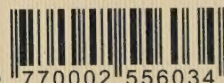
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ISSN 0002-5569



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